BE for CE-Level Decision Template

Prepared by

Signature: _____/s/Diana Perez_____ Diana Perez te: ____2/5/2020_____

Signature: ___ /s/ Shawna Bautista Shawna Bautista date: ____Feb. 05, 2020_____

Section I – Screening Tables

Species List Analyzed:

R6 RFSS List Date: ☒ 3/8/2019 (https://www.fs.fed.us/r6/sfpnw/issssp/agency-policy/);

☐- Other Date*; Date TEP list acquired from IPaC Date*

Table 1. Species that are not analyzed further

Listed and Proposed Species
The following listed or proposed species or critical habitats are **not known or expected to occur** in the project area, or are not expected to be affected by the project. As a result, **no effect** is expected to these listed or proposed species and effects to them **are not analyzed further**: All species ☐ TEP species considered, but **not present**: marbled murrelet, northern spotted owl, Oregon spotted frog and its designated critical habiatat, gray wolf, North American wolverine, Pacific fisher and its proposed critical habitat, coastal marten All species except those listed below and analyzed in Section II ☒
The following listed or proposed species or critical habitat is known or expected to occur or may be affected by the project and are analyzed further. **Proceed to Section II with these species**. List species here: Southern Oregon/Northern California Coho (SONCC) and its designated critical habitat
Regional Forester's Sensitive Species
The following sensitive species are **not known or expected to occur** in the project area. As a result, **no impact** is expected to these sensitive species and impacts to them **are not analyzed further:** All species ☐ All species except those listed below and analyzed in Section II ☒
The following sensitive species are known or expected to occur in the project area and are analyzed further. **Proceed to Section II with these species**. List species here: Tricolored blackbird, Lewis' woodpecker, Purple martin, Pallid bat, Townsend's big-eared bat, Fringed myotis, Oregon branded skipper, Coronis fritillary, Pacific lamprey, KMP steelhead, SONCC Chinook salmon

Section II – Analysis and determination of effect

Table 2. Identification of habitat and analysis of impacts

Listed and Proposed Species carried forward from Section I		
For each species carried forward from Section I, briefly identify and describe all occupied and unoccupied habitat as it relates to recovery and summarize how the proposed action may directly, indirectly, or cumulatively affect the species or their occupied habitat, or unoccupied habitat required for recovery		
Species	Habitat description	Summary of potential effects from proposed action on species or habitat
SONCC coho	Habitat for SONCC coho salmon is found within the project area (JHSN) in Jackson Creek. However, habitat is not accessible due to a fish passage barrier located outside the project area downstream at the Hanley Rd crossing estimated at river mile 4.3. Distribution and habitat within action area.	SONCC coho and their prey source (invertebrates) as well as macrophytes are not likely to be exposed to pesticides at detectable levels of concern, and thus not likely to be adversely affected by the exposure. Effects are expected to be insignificant or discountable because the amount of pesticides proposed for use that could enter Jackson Creek would be so minor that it cannot be meaningfully evaluated. Use of high risk pesticide (Chlorpyrifos) is restricted to one time use in shadehouses and greenhouses, so coho are unlikely to be exposed. Refer to Fisheries Biological Assessment for more information.
Designated Critical Habitat for SONCC	Designated critical habitat for SONCC coho exists in Jackson Creek on JHSN and upstream to where natural gradients impede migration. The type of habitat for SONCC coho in Jackson Creek at JHSN would be limited to rearing and migration year round. Existing migration barriers and the availability of adequate water flow year round impact the presence of coho in Jackson Creek, refer to the Fisheries Biological Assessment. Critical habitat is not accessible due to a fish passage barrier located outside the project area downstream at the Hanley Rd crossing estimated at river mile 4.3. Critical habitat within action area.	Pesticides proposed for use pose a low risk to fish, amphibians, invertebrates, and macrophytes because they would not reach Jackson Creek at levels that could adversely affect habitat as a result of site-specific conditions and properties. Use of high risk pesticide (Chlorpyrifos) is restricted to one time use in shadehouses and greenhouses, so primary biological features are unlikely to be exposed. Refer to Fisheries Biological Assessment for more information.

Regional Forester's Sensitive Species carried forward from Section I		
For each species carried forward from Section, briefly identify and describe all occupied and unoccupied habitat as it relates to maintaining viability at the Forest Plan scale or preventing a trend towards listing and summarize how the proposed action may directly, indirectly, or cumulatively impact the species or their occupied habitat		
Species	**Habitat description**	**Summary of potential impacts from proposed action on species or habitat**
Lewis' Woodpecker	Oregon white oak, ponderosa pine and cottonwood. Reported to winter along Bear Creek near Medford.	No impact to habitat or species. They only winter in project area when pesticides are not used and their food is primarily fruits and acorns.
Purple martin	cropland, hedgerows, grasslands, shrubland, suburban, orchard, and woodlands	No impact to habitat. May impact individuals but will not lead to a trend toward federal listing. Few individuals near project area. Some risk to individuals if consume insects contaminated by oryzalin, but martins are aerial feeders and likelihood of contaminating prey is low.
Tricolored blackbird	Freshwater marshes with cattails, dense willows, Himalayan (Armenian) blackberries	No impact to habitat. May impact individuals but will not lead to a trend toward federal listing. Could possibly forage in nursery fields. Oregon birds represent 1% of total population. Risk to some individuals if they consume enough food contaminated with oryzalin or thiram
Fringed myotis	Breeds in caves, mines, buidlings; forested or riparian areas; forages on shrubs and the ground	No impact to habitat or species. Only chlorpyrifos poses risk to insect-eating mammals, and its use is restricted to greenhouse, so prey unlikely to be exposed.
Townsend's big-eared bat	Caves, mines, bridges, rock crevices and old buildings; forages in flight and from foliage	No impact to habitat or species. Only chlorpyrifos poses risk to insect-eating mammals, and its use is restricted to greenhouse, so prey unlikely to be exposed.
Pallid bat	Arid areas, open forests, with rock crevices, caves, old mines, trees or old buildings; forages on ground	No impact to habitat or species. Only chlorpyrifos poses risk to insect-eating mammals, and its use is restricted to greenhouse, so prey unlikely to be exposed.
Species	**Habitat description**	**Summary of potential impacts from proposed action on**

		species or habitat
Oregon branded skipper	420-1500 meters in elevation, hillslopes with flowers, rabbitbrush	No impact to habitat. Azadirachtin, chlorpyrifos, esfenvalerate, and pyrifproxifen pose risk to insects. Only isolated individuals likely to visit nursery. Operational BMP's to reduce exposure. May impact individuals but will not lead to a trend toward federal listing.
Coronis fritillary	Low elevation grasslands, with some shrubs	No impact to habitat. Azadirachtin, chlorpyrifos, esfenvalerate, and pyrifproxifen pose risk to insects. Only isolated individuals likely to visit nursery. Operational BMP's to reduce exposure. May impact individuals but will not lead to a trend toward federal listing.
Pacific Lamprey	Pacific lampreys spawn in habitat similar to that of salmon: gravel bottomed streams at the upstream end of riffle habitat. Adults lay egg nests in some of the same gravel bars as wild salmon and steelhead. Juveniles need areas of low velocity and fine substrates where they burrow, grow and live as filter feeders for 3 to 7 years and feed primarily on diatoms and algae. Lamprey have been found in Jackson Creek, though the exact location is unknown and believed to be in the lower stream reaches of Jackson Creek. Lamprey habitat may exist in Jackson Creek up to a fish passage barrier on river mile 4.3, which is almost 0.5 miles downstream from JHSN. Lamprey and habitat in action area.	Pacific Lamprey and their food source may be exposed to pesticide residues as a result of runoff from JHSN. Residue is not expected to be at detectable levels of concern because the amount of pesticides proposed for use that could plausibly enter Jackson Creek would be insignificant. May impact individuals but will not lead to a trend toward federal listing.
KMP Steelhead	Habitat for steelhead is present in Jackson on JHSN. Historic spawning habitat for summer steelhead is present in Jackson Creek up to and above Jacksonville, Oregon – well past JHSN. Although the upper reaches of Jackson creek around Jacksonville, Oregon dry up in the summer, they can still produce summer steelhead. In 2019 steelhead fry were observed upstream of the three way stop of Main Street and Jacksonville Highway. Steelhead and habitat present in action area.	KMP Steelhead and their food source may be exposed to pesticide residues as a result of runoff from JHSN. Residue is not expected to be at detectable levels of concern because the amount of pesticides proposed for use that could plausibly enter Jackson Creek would be insignificant. May impact individuals but will not lead to a trend toward federal listing.
Species	**Habitat description**	**Summary of potential impacts from proposed action on**

		species or habitat
SONCC Chinook salmon	Fall run Chinook Salmon is limited to the first 1.5 river miles of Jackson Creek, basically up to the confluence of Jackson Creek and Dean Creek, which is significantly downstream of JHSN (a little under 5 miles). Spawning habitats are characterized by large cobbles and sufficient flows to facilitate oxygen delivery to developing embryos. SONCC chinook observance below action area.	No impact to habitat or species. Distribution outside of action area.

Table 3. Determination of effect

Listed and Proposed Species and their **Critical Habitat** carried forward from Section I	
The proposed action:	Species
Will have **no effect** (qualifies for CE)	(All terrestrial listed species are no effect; none present in project area)
Proposed - **Not Likely to Jeopardize the Continued Existence Of The Species Or Result In Destruction Or Adverse Modification Of Proposed Critical Habitat*.** Listed - **May affect, but not likely to adversely affect*** (qualifies for CE)	SONC coho and its designated critical habitat
Proposed - **Likely to Jeopardize the Continued Existence Of The Species Or Result In Destruction Or Adverse Modification Of Proposed Critical Habitat*.** Listed - **May affect, and is likely to adversely affect*** (See Attachment - 1 to the Chief's Letter Dated October 12, 2018, Pertaining to Significance under the Endangered Species Act and National Environmental Policy Act to determine if your project qualifies for CE)	
Regional Forester's Sensitive Species carried forward from Section I	
The proposed action:	Species
Will have **no impact** (qualifies for CE)	Lewis' woodpecker, , Townsend's big-eared bat, Pallid bat, SONCC chinook
Will have a **beneficial impact** (qualifies for CE)	Indirectly, all species, as native plants grown at the nursery are used for reforestation and restoration of habitat.

Regional Forester's Sensitive Species carried forward from Section I	
May Impact Individuals Or Habitat, But Will Not Likely Contribute To A Trend Towards Federal Listing or Cause A Loss Of Viability To The Population Or Species (qualifies for CE)	Purple martin, Tricolored blackbird, Fringed myotis, Oregon branded skipper, Coronis fritillary, Pacific Lamprey, KMP Steelhead
Will Impact Individuals Or Habitat With A Consequence That The Action May Contribute To A Trend Towards Federal Listing Or Cause A Loss Of Viability To The Population or Species (likely does NOT qualify for CE)	

* Biological Assessments will need to be completed and consultation will need to be completed prior to signing the decision for these determinations.

Section III –

Project Design Criteria and Best Management Practices for dealing with adverse effects

Project Design Criteria and Best Management Practices to be used to reduce negative effects/impacts of the project aimed at helping achieve, maintain, or restore project eligibility for CE – These PDCs and BMPs should be collaboratively developed, ideally during the Plan to Project phase, with the responsible official and other specialists. If these are not followed, it may change the determination of effects above.

Table 4. Project Design Criteria and Best Management Practices for removing, avoiding, or compensating for any adverse effects and notes for particular species

Species	PDCs and BMPs
Fringed myotis, Townsend's big-eared bat, pallid bat, Oregon branded skipper, Coronis fritillary	Chlorpyrifos and pyriproxyfen are limited to use in greenhouses and shadehouses only, making exposure unlikely.
Oregon branded skipper, Coronis fritillary	Insecticide use is discontinued on native forbs when flowering begins.
SONCC coho and its designated critical habitat, Pacific Lamprey, KMP Steelhead, SONCC Chinook	The design features are based on site-specific pesticide risk assessments and their possible effects to aquatic species. ✓ Minimize overall use of pesticides by implementing integrated pest management methods; continue to utilize mechanical, manual, biological and cultural methods where cost- effective. ✓ Minimize use of chemicals that are more mobile and persistent (oxyfluorfen, propiconozole), especially prior to or during the rainy season. ✓ Minimize use of pesticides that have been detected with increasing

	frequency in local aquatic habitats (glyphosate, oxyfluorfen). ✓ Use chlorpyrifos only in the greenhouses, limited to one application per greenhouse per year. Favor other effective products. ✓ Manage timing of spraying and irrigation to minimize run off into Jackson Creek. ✓ Use cover crops and reduce tillage where appropriate. ✓ Reduce potential for drift by only broadcast spraying when wind speed is between 2 and 8 miles per hour, using the largest feasible nozzle size and lowest spray height, and protecting non-target resources with drift shields. Avoid broadcast within 100 feet of flowering plants when pollinators are present. ✓ Promptly clean up all spills, including treated seed. (Please note no reportable spills of pesticide have occurred at the nursery.) ✓ Err on the side of caution when interpreting label guidance. ✓ Use adjuvants approved for use on aquatic environments by Washington state (refer to Fisheries Biological Assessment).

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